

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the patent application of	)	
Michael S. Bender	)	Docket No. SUNMP588
Application No: 09/801,410	)	Group Art Unit: 2135
Filing Date: March 8, 2001	)	Docket Clerk: Ms. Kim Saunders
For: SYSTEM FOR IDENTIFICATION	)	Examiner: Mr. Hosuk Song
OF SMART CARDS	)	Date: May 15, 2006

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence and the papers referred to herein as attached are being transmitted to the United States Patent and Trademark Office via facsimile to (571) 273-3616, Attn: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 15, 2006.

Signed: \_\_\_\_\_

Fariba Yadegar-Bandari

**COMMUNICATION TO U.S.P.T.O.**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On July 27, 2004, a Communication Regarding Statement under 37 C.F.R. section 3.72(b)- Establishing Right of Assignee to Take Action and Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers, Appendix A, and Appendix B (hereinafter "the July 27, 2004 Communication"), were filed with U.S.P.T.O. in the subject U.S. patent application. The July 27, 2004 Communication was stamped received by the U.S.P.T.O. on August 2, 2004, as evidenced by a copy of the attached stamped return receipt postcard.

Although the July 27, 2004 Communication has been received by the Office, the information communicated therein has not been entered in the subject patent application. Specifically, all correspondence issued by the Office subsequent to July 27, 2004, including the Issue Fee and Notice of Allowability, dated February 27, 2006, have been sent to the prior attorney of record, Mr. Brian M. Berliner, O'Melveny & Myers, LLP, 400 South Hope Street, Los Angeles, CA 90071-2899. Mr. Berliner (i.e., the prior attorney of record) has been forwarding the correspondence issued by the Office to the undersigned firm.

During a telephonic conversation with Examiner Hosuk Song on May 15, 2006, Mr. Song was advised of the Office' failure to include the correct agent and correspondence address in all correspondence issued by the Office, including the Issue Fee and Notice of Allowability, dated February 27, 2006. The undersigned attorney was advised by Examiner Song to communicate with the Docket clerk, Ms. Kim Saunders.

The subject Communication is being filed pursuant to Ms. Saunders' request during a telephonic communication with the undersigned attorney on May 15, 2006. In accordance with Ms. Saunders' instructions, the Applicant herein requests that the July 27, 2004 Communication be entered, and that agent and correspondence address be changed in the subject patent application, accordingly. It is respectfully requested that all correspondence be sent to:

Fariba Yadegar-Bandari  
MARTINE PENILLA & GENCARELLA, LLP  
710 Lakeway Drive, Suite 200  
Sunnyvale, California 94085  
Customer Number: 32291

The Applicant further requests that a Corrected Issue Fee be issued, reflecting the correct agent and correspondence address.

The Applicant believes no charges are due in connection with the submission of the subject Communication, however if it is determined that any fees are due, the Commissioner is authorized to charge such fees to Deposit Account 50-0805 (SUNMP588). If the Commissioner has any questions concerning the subject Communication, please contact the undersigned at the telephone number set forth below.

Respectfully submitted,  
MARTINE PENILLA & Gencarella, LLP



Fariba Yadegar-Bandari, Esq.  
Registration No. 53,805

710 Lakeway Drive, Suite 200  
Sunnyvale, CA 94085  
Tel. No.: (408) 774-6913  
Facsimile No.: (408) 749-6901  
Customer Number 32291

PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

In re the patent application of )

Michael S. Bender )

Application No: 09/801,410 )

Filing Date: March 8, 2001 )

For: SYSTEM FOR IDENTIFICATION  
OF SMART CARDS )

Docket No. SUNMP588

Group Art Unit: 2131

Examiner: Unknown

Date: July 27, 2004

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 27, 2004.

Signed: 

Neely Entwistle

**Communication Regarding Statement Under 37 C.F.R. §3.73(b)-Establishing Right of Assignee to Take Action and Power of Attorney by Assignee (Revocation of Prior Powers)**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

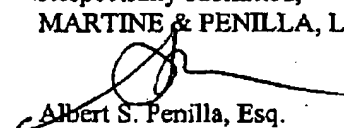
Applicant hereby attaches a Combined Statement Under 37 C.F.R. §3.73(b)-Establishing Right of Assignee to Take Action and Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers, Appendix A, and Appendix B, with reference to the above-identified U.S. patent application. Applicant respectfully requests this document be made of record.

As stated in the Power of Attorney please send all correspondence to:

MARTINE & PENILLA, LLP  
710 Lakeway Drive, #170  
Sunnyvale, CA 94085  
Tel: (408) 749-6900  
Fax: (408) 749-6901  
Customer No. 32291

Applicant believes that no fees are due in connection with this filing, however, if it is determined that any fees are due, the Commissioner is authorized to charge such fees to Deposit Account 50-0805 (SUNMP588). If the Commissioner has any questions concerning this document, please contact the undersigned at the telephone number set forth below.

Respectfully submitted,  
MARTINE & PENILLA, LLP

  
Albert S. Penilla, Esq.  
Registration No. 39,487

710 Lakeway Drive, Suite 170  
Sunnyvale, CA 94085  
(408) 749-6900  
Customer Number 32291

**COPY****IN THE UNITED STATES PATENT & TRADEMARK OFFICE****COMBINED STATEMENT UNDER 37 C.F.R. § 3.73(b)-ESTABLISHING RIGHT OF ASSIGNEE TO  
TAKE ACTION****AND****POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST AND REVOCATION OF PRIOR POWERS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**Statement Under 37 CFR §3.73(b):**

Sun Microsystems, Inc., a corporation organized under the laws of Delaware states that it is the assignee of entire right, title, and interest; in the patent(s) and/or patent application(s) listed on the attached APPENDIX A, by virtue of an Assignment from the inventor(s) of each of the patent(s) and/or patent application(s) listed on the attached APPENDIX A. Date of recordal, and Reel and Frame number of recordal by the United States Patent & Trademark Office identified on the attached APPENDIX A.

**Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers:**

Pursuant to 37 C.F.R. §1.36, Sun Microsystems, Inc., the record owner (per Statement Under 37 CFR §3.73(b) above) of the patent(s) and/or patent application(s) listed on the attached APPENDIX A, revokes all previous powers of attorney in the patent(s) and/or patent application(s) listed on the attached APPENDIX A and hereby appoints the following attorneys and/or agents assigned to the below Customer Number to prosecute the patent(s) and/or patent application(s) listed on the attached APPENDIX A and transact all business in the U.S. Patent and Trademark Office connected therewith:

**Customer Number 32,291**

Please send all correspondence to:

MARTINE & PENILLA, LLP  
710 Lakeway Dr., Suite 170  
Sunnyvale, CA 94085  
Tel: (408) 749-6900  
Fax: (408) 749-6901  
Customer Number 32,291

The undersigned is empowered to sign on behalf of Sun Microsystems, Inc. in accordance with the attached Delegation of Authority (APPENDIX B)

The undersigned hereby declares that all statements made herein of the undersigned's own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patents and patent applications listed on the attached APPENDIX A or any patents issuing thereon.

Marilyn E. Glaubenslee      12/3/02  
(Signature of authorized person)      (date)

Marilyn E. Glaubenslee, Esq.  
(Type or print name of authorized person)

Managing Attorney (Reg. No. 35,521)  
Title of authorized person (Having delegated power to sign for  
Sun Microsystems, Inc. in accordance with APPENDIX B)

COPY

## APPENDIX A

Application No. 09/801,410

Assignee: Sun Microsystems, Inc.

Title: **SYSTEM FOR IDENTIFICATION OF SMART CARDS**

Recordation Date: March 8, 2001


Reel/Frame: 011587/0778

Atty Docket: SUNMP588

COPY

DELEGATION OF SIGNING AUTHORITY

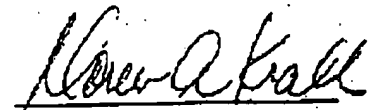
I, Michael A. Dillon, Vice President, General Counsel, of Sun Microsystems Inc., (the "Company"), hereby appoint Noreen A. Krall, Reg. #39,734 as Attorney-in-Fact of the Company to execute and deliver in the name and on behalf of the Company, patent office documents, and to grant powers of attorney to patent attorneys and patent agents representing the Company in the patent offices and trademark offices throughout the world as required to facilitate filing, obtaining, renewing, maintaining, working, opposing and terminating patent applications and patent registrations on behalf of the Company, and to execute documents which effect the transfer of title or licenses of patents or trademark rights, so long as such transfers are between any of the Company and its subsidiaries. This Delegation of Signing Authority is effective as of 15 May 2004, and will continue in full force and effect while such person is an employee of the Company or until such time as I otherwise designate.

  
Michael A. Dillon  
Sr. Vice President & General Counsel  
Sun Microsystems, Inc.

**DELEGATION OF SIGNING AUTHORITY**

I, Noreen A. Krall, Chief Patent Counsel, of Sun Microsystems Inc., (the "Company"), hereby appoint each of the following persons listed below as Attorney-in-Fact of the Company to execute and deliver in the name and on behalf of the Company, patent office documents, and to grant powers of attorney to patent attorneys and patent agents representing the Company in the patent offices and trademark offices throughout the world as required to facilitate filing, obtaining, renewing, maintaining, working, opposing and terminating patent applications and patent registrations on behalf of the Company, and to execute documents which effect the transfer of title or licenses of patents or trademark rights, so long as such transfers are between any of the Company and its subsidiaries. This Delegation of Signing Authority is effective as of 15 May 2004, and will continue in full force and effect while such persons are employees of the Company or until such time as I otherwise designate.

Andrew C. Chen	Reg. No. 43,544
Bernice B. Chen	Reg. No. 42,403
Arien C. Ferrell	Reg. No. 46,696
Marilyn E. Glaubensklea	Reg. No. 35,521
Anirna R. Gupta	Reg. No. 38,275
Elaine K. Lee	Reg. No. 41,936
Sean P. Lewis	Reg. No. 42,798
Jeffrey L. Meyers	Reg. No. 44,252
Joseph A. Twarowski	Reg. No. 42,191

  
Noreen A. Krall, Chief Patent Counsel  
Sun Microsystems, Inc.



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JUL 27 2004  
DOCKETED

**PATENT POSTCARD**

Customer No. 32291

Docket No. **SUNMP588** Appl. No. **09/801,410** Date: **July 27, 2004**

By: **AP:ne** Filing Date: **March 8, 2001** Express Mail No.:

Inventors: **Michael S. Bender**

Title: **SYSTEM FOR IDENTIFICATION OF SMART CARDS**

The following has been received in the U.S. Patent & Trademark Office on the date stamped below:

- **Communication Regarding Statement Under 37 C.F.R. § 3.73(b)-Establishing Right of Assignee To Take Action and Power of Attorney By Assignee (Revocation of Powers) (1 page)**
- **Statement Under 37 C.F.R. § 3.73(b) Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers) and Change of Address (2 pages)**
- **Appendix A (1 page)**
- **Appendix B Delegation of Power to sign (2 pages)**

COPY

## PATENT POSTCARD

Customer No. 32291

Docket No. SUNMP588

Appln. No. 09/801,410

Date: July 27, 2004

By: AP:ne

Filing Date: March 8, 2001

Express Mail No.:

Inventors: Michael S. Bender

Title: SYSTEM FOR IDENTIFICATION OF SMART CARDS

The following has been received in the U.S. Patent & Trademark Office on the date stamped below:

- Communication Regarding Statement Under 37 C.F.R. § 3.73(b)-Establishing Right of Assignee To Take Action and Power of Attorney By Assignee (Revocation of Powers) (1 page)
- Statement Under 37 C.F.R. § 3.73(b) Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers) and Change of Address (2 pages)
- Appendix A (1 page)
- Appendix B Delegation of Power to sign (2 pages)

## FACSIMILE COVER SHEET



710 Lakeway Drive, Suite 200  
Sunnyvale, California 94085

Phone: 408.749.6900  
Fax: 408.749.6901  
www.mplaw.com

INTELLECTUAL PROPERTY COUNSEL

MARTINE PENILLA & GENCARELLA, LLP

**CONFIDENTIALITY NOTICE**

The document(s) accompanying this telecopier transmission contain confidential information that is legally privileged. This information is intended only for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, or have received this telecopier transmission in error, you are hereby notified that **ANY DISCLOSURE, COPYING, DISTRIBUTION, OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED**. If you have received this telecopy in error, please notify the sender (above) immediately by telephone or email at info@mplaw.com to arrange the return of the original documents at its expense.

To: Ms. Kim Saunders  
Docket Clerk

Re: Communication to USPTO, dated May 15, 2006

Pages including coversheet: 11

FAX No.: 571-273-3616

Tele. No.: 571-272-3613

From: Fariba Yadegar Bandari

Martine Penilla & Gencarella, LLP

Telephone Number: 408-774-6913

Facsimile Number: 408-749-6901

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence and the papers referred to herein as attached are being transmitted to the United States Patent and Trademark Office via facsimile to (571) 273-3616, Attn: Ms. Kim Saunders, Docket Clerk: on May 15, 2006.

Signed:

Fariba Yadegar-Bandari

Application No. : 09/801,410  
Applicant: : Michael S. Bender  
Filed: : March 8, 2001  
Title: : SYSTEM FOR IDENTIFICATION OF SMART CARDS  
Examiner : Mr. Hosuk Song  
Atty. Docket No. : SUNMP588  
Date : May 15, 2006

*Attached to this facsimile coversheet are copies of the following documents:*

Communication to the USPTO, dated May 15, 2004, (2 pages) forwarding copies of the following documents, as filed:

- o Communication Regarding Statement Under 37 C.F.R. §3.73(b)-Establishing Right of Assignee to Take Action and Power of Attorney by Assignee (Revocation of Prior Powers) dated July 27, 2004, (1 page);
- o Statement Under 37 C.F.R. §3.73(b) Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers) and Change of Address (2 pages);
- o Appendix A (1 page);
- o Appendix B Delegation of Power to sign (2 pages);
- o Return Receipt Postcard, dated July 27, 2004; and
- o Return Receipt Postcard, dated July 27, 2004, as received and stamped by the USPTO on August 2, 2004



If the required fees are missing or any additional fees are required to facilitate filing the enclosed, then please charge such fees or credit any overpayment to Deposit Account No. 50-0805 (Order No. SUNMP588).

**PLEASE ACKNOWLEDGE RECEIPT OF THE COMMUNICATION TO THE U.S.P.T.O. AND ACCOMPANYING DOCUMENTS VIA FACSIMILE AT (408) 749-6901. THANK YOU.**

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP

Fariba Yadegar-Bandari

Attorney Docket No.: SUNMP588

Customer No. 32291